

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIMITRA DIMOPOULOU, :

Plaintiff, :

-against- :

FIRST UNUM LIFE INSURANCE :  
COMPANY, UNUM LIFE INSURANCE :  
COMPANY OF AMERICA, :  
BLACKSTONE ADMINISTRATIVE :  
SERVICES PARTNERSHIP, L.P., and :  
BLACKSTONE ADMINISTRATIVE :  
SERVICES PARTNERSHIP, :  
L.P. HEALTH & WELFARE PLAN, :

Defendants. :  
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Civ. Case No.: 1:13-cv-07159

AFFIRMATION OF  
SCOTT M. RIEMER

SCOTT M. RIEMER, an attorney, declares pursuant to 28 U.S.C.

§1746, under penalties of perjury that the following is true and correct:

1. I make this affirmation in support of plaintiff's application for attorney's fees and costs.

2. I am a 1983 graduate of the University of Michigan Law School. I am an attorney in good standing admitted to practice in the State of New York, the Southern District of New York, the Eastern District of New York, the District of Connecticut, the Court of Appeals for the Second Circuit, and the United States Supreme Court.

3. In 1994, I started my own practice, concentrating almost exclusively in the area of ERISA litigation, particularly claims for long term disability benefits. In 2005, I founded the law firm of Riemer & Associates LLC (the "Firm"). The Firm employs two associates and four paralegals. The Firm is located at 60 East 42<sup>nd</sup> Street, Suite 1750, New York 10165.

4. I have represented hundreds of claimants in complex claims under ERISA. I have appealed several cutting-edge ERISA cases to the Second Circuit:

Young v. Hartford Life and Acc. Ins. Co., 2012 U.S. App. LEXIS 25985 (2d Cir. Dec. 20, 2012)

Levitan v. Sun Life and Health Insurance Company (U.S.), 2012 U.S. App. LEXIS 12340 (2d Cir. June 19, 2012)

Eptein v. Hartford Life Ins. Co., 2011 U.S. App. LEXIS 23162 (2d Cir. Nov. 18, 2011)

Bendik v. Hartford Life Ins. Co., 351 Fed. Appx. 519 (Nov. 3, 2009)

Winkler v. MetLife, 2006 U.S. App. LEXIS 5447 (2d Cir. March 1, 2006)

Langman v. Laub, 328 F.3d 68 (2d Cir. 2003);

Dunnigan v. MetLife, 277 F.3d 223 (2d Cir. 2002); and

Juliano v. The Health Maintenance Organization of New Jersey, 221 F.3d 279 (2d Cir. 2000).

5. I have served as lead counsel in a 968-member ERISA class action in the Southern District of New York (Wright, et. al. v. United States Trust

Company of New York, et. al, 95 Civ. 6035 (SHS)(settled in 1998 for \$2.4 million).

6. I have written a book on ERISA disability claims titled "An Attorney's Guide to ERISA Disability Claims," published by James Publishing in March 2014.

7. I have written the following articles concerning various aspects of ERISA:

"Did the Supreme Court Flunk Constitutional Law When It Permitted Discretionary Review of Insured ERISA Benefits Cases," American Bar Association, Health and Disability & Life Insurance Law Committee, Committee News, Summer 2013 (co-authored with Jonathan Feigenbaum, Esq.).

"Top Ten Things That Employment Lawyers Should Know About Long Term Disability Insurance Claims," The New York Employee Advocate, Vol. 13, No. 5, July 2006.

"What to Do If Your Disability Benefits Are Denied" CFIDS Chronicle (Spring 2001);

"What to Do If You Become Disabled" CFIDS Chronicle (Winter 2001);

"HMO's Face a Post-Pegram World" New York Law Journal (July 13, 2000);

"Corporate Outsourcing and ERISA §510" New York Law Journal (June 27, 1997);

"What to Do When Denied Health or Disability Benefits" CFIDS Chronicle (Spring 1995);

"Jury Trials under ERISA" New York Law Journal (August 10,

1994); and

"Discretionary or Conditional Forms of Benefit" Journal of Pension Planning & Compliance (Fall 1986).

9. I have lectured on the following topics relating to the litigation of long term disability claims under ERISA:

"The Ongoing Discovery Battle: Understanding Its Scope and Limitations and Implementing Meaningful Strategies in Today's Environment," American Conference Institute, New York, New York, on January 24, 2013;

"Disability Claims and Lyme Disease," 2012 Annual Meeting of the International Lyme and Associated Diseases Society, Inc., Boston, Massachusetts, on November 2, 2012;

"The Restrictions and Limitations Between the Own Occupation and the Any Occupation Standard," American Conference Institute, New York, New York, on January 26, 2012;

"Practical Tips to Make Conflict of Interest Discovery Work for You and Tips to Defend Against its Impact; A View from Both Sides of the Bench," American Bar Association, Tort Trial & Insurance Practice Section, Miami, Florida, on January 15, 2011

"ERISA Basics" conference held by the Pension Rights Center, on June 10, 2010;

"The Impact of MetLife v. Glenn on the Standard of Review and Discovery," American Conference Institute, Boston, Massachusetts, on June 15, 2009;

"ERISA Benefit Litigation: From Pilot Life and Firestone to Glenn—Where are We Now," ALI-ABA, Live Video Webcast, December 2, 2008;

"MetLife v. Glenn," Panelist at the New York, New Jersey and Connecticut Regional Conference of the College of Labor &

Employment Lawyers, November 3, 2008;

"A New Firestone Drill under ERISA: MetLife v. Glenn," Practicing Law Institute, Live Audio Webcast, July 17, 2008;

"Standard of Review in ERISA Litigation in Light of MetLife v. Glenn," at the 11<sup>th</sup> National Advanced Forum on Litigation Disability Insurance Claims, American Conference Institute, Boston, Massachusetts, on June 12, 2008;

"Long-Term Disability Benefits in Danger: Disturbing Trends and Dirty Tricks" at Special Workshop on Long Term Disability Benefits, Friends in Deed, New York, New York, on October 24, 2007;

"Developments in ERISA Claims Handling and Litigation" at the 10<sup>th</sup> National Advanced Forum on Litigation Disability Insurance Claims, American Conference Institute, Boston, Massachusetts, on June 7, 2007;

"Litigating ERISA Disability Claims: Applicability, Discovery and Other Critical Issues" at the 9<sup>th</sup> National Advance Forum on Litigating Disability Insurance Claims, American Conference Institute, Miami, Florida, on February 23, 2006;

"Short Term and Long Term Disability Benefits" Lorman Education Services, April 19, 2001;

"Fiduciary Issues For Welfare Plans" NYSBA Labor and Employment Section, March 16, 2001; and

"Procedural Aspects of Litigating Benefit Claims" at the National Employment Lawyers Association/New York Spring Conference (April 1996).

10. I have been quoted as an ERISA litigation expert in numerous publications including Newsday, Consumers Digest and Lawyers Weekly USA.

11. I maintain a widely viewed website named [www.disabilityclaims.com](http://www.disabilityclaims.com), which provides readers with practical information on disability insurance claims under ERISA. Last year, more than 10,000 individuals visited the website.

12. My current fee for hourly representation in ERISA matters is \$720 per hour, which I believe to be fair and reasonable, based on my years of experience, and based on my personal knowledge of rates charged by other attorneys in ERISA matters nationwide. This rate has been in effect since January 1, 2016. Prior to that date, my rate was \$680 per hour. I currently represent over 250 hourly rate clients who have agreed to and are currently paying that rate.

13. The current fees that my firm charges for hourly representation in ERISA matters for associates and paralegals is: \$480 per hour for an associate with 8-10 years of experience; \$400 per hour for an associate with 5-6 years of experience; \$260 per hour for a paralegal with 3-6 years of experience; and \$240 per hour for a paralegal with 2-3 years of experience.

14. I have known Michael S. Hiller for approximately 14 years.

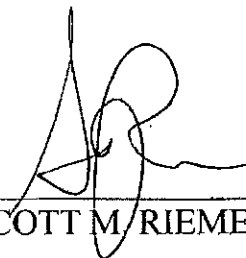
15. I consider Mike to be a peer with comparable level of experience and expertise. Mr. Hiller is well-known and recognized as an expert in the field. In fact, I first contacted him after reading his excellent article in the NYSBA Bar Journal, "Aggrieved Disability Policyholders in New York are not

Limited to Past Benefits as Remedy,” published in 2002. Since that time, I have often sought out his advice and counsel on disability insurance matters.

16. Based on his reputation in ERISA litigation, Mr. Hiller’s current hourly rate of \$700 per hour is entirely reasonable and warranted based on my knowledge of market rates in the New York metropolitan area and nationwide. His rate of \$660 per hour prior to this year is also reasonable and warranted.

17. I have no financial interest in the outcome of this case. I am not being paid for submission of this affirmation.

Dated: New York, New York  
May 16, 2016

  
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SCOTT M. RIEMER